

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

**JOANNE MARES, on behalf of
SANTIAGO GARCIA, CORTEZ
GARCIA, VICTORIA GARCIA, and
LIBERTY MONET GARCIA,**

Court of Appeals of New Mexico
Filed 6/11/2026 8:16 AM



Mark Reynolds

Petitioners-Appellees,

v.

No. A-1-CA-43165

NICOLE VICTORIA MARES,

Respondent-Appellant.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Denise M. Thomas, District Court Judge

Joann Mares
Santa Fe, NM

Pro Se Appellee

Nicole Victoria Morales
Albuquerque, NM

Pro Se Appellant

MEMORANDUM OPINION

MEDINA, Chief Judge.

{1} Respondent appeals from the district court's order of protection. We issued a
calendar notice proposing to affirm. Respondent filed a memorandum in opposition,
which we have duly considered. Unpersuaded, we affirm.

1 {2} Respondent continues to assert that the district court abused its discretion in
2 denying Respondent’s motion for continuance. [MIO 1] In further support of her
3 argument, Respondent states that her request for continuance was in writing.
4 [MIO 1] Respondent also states that she told the district court that the “officer who
5 authored the [police] report was unavailable.” [MIO 1] Respondent states the officer
6 was “the only neutral witness capable of confirming there was no criminal conduct,
7 no AirTag, and no active investigation.” [MIO 1]

8 {3} We first note that no written request for continuance appears in the record
9 proper. [RP 67-118] We also note that Respondent wrote in the docketing statement
10 that an officer attended the hearing and testified that “the police report was non-
11 active and that there was no evidence of crime . . . [and] that there was no confirmed
12 evidence of tracking devices.” [DS PDF 4] Assuming the testifying officer was not
13 the unavailable officer, we cannot say the district court abused its discretion in
14 denying a continuance to allow Respondent to present cumulative testimony from a
15 second officer. *See* Rule 11-403 NMRA (giving the district court discretion to
16 exclude cumulative evidence); *City of Albuquerque v. Westland Dev. Co.*, 1995-
17 NMCA-136, ¶ 27, 121 N.M. 144, 909 P.2d 25 (stating that the district court did not
18 abuse its discretion in excluding testimony about a matter where other witnesses had
19 testified to substantially the same matter).

1 {4} Respondent maintains that a voicemail was improperly admitted and that her
2 parental and due process rights were violated. [MIO 1, 2] Respondent cites no new
3 facts, authority or argument in support of these issues. *See State v. Mondragon*,
4 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party
5 responding to a summary calendar notice must come forward and specifically point
6 out errors of law and fact,” and the repetition of earlier arguments does not fulfill
7 this requirement), *superseded by statute on other grounds as stated in State v.*
8 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. We therefore remain unpersuaded that
9 Respondent has demonstrated that the calendar notice was in error on these issues.

10 {5} Respondent maintains that the district court’s order was not supported by
11 sufficient evidence. [MIO 2] In her memorandum in opposition, she describes the
12 evidence of her sobriety that was provided to the district court, and she continues to
13 assert that the district court did not properly weigh this and other evidence. [MIO 2]
14 These additional facts do not persuade us that the district court erred in finding that
15 an act or acts of domestic abuse occurred. *See Jones v. Schoellkopf*, 2005-NMCA-
16 124, ¶ 8, 138 N.M. 477, 122 P.3d 844 (“[W]e review the evidence in the light most
17 favorable to support the [district] court’s findings, resolving all conflicts and
18 indulging all permissible inferences in favor of the decision below.”). Moreover,
19 “[w]e will not reweigh the evidence nor substitute our judgment for that of the

1 [district court].” *See Clark v. Clark*, 2014-NMCA-030, ¶ 26, 320 P.3d 991 (internal
2 quotation marks and citation omitted).

3 {6} Respondent does not respond to our proposed conclusions (1) that the district
4 court did not err in declining to enforce court orders related to religious attendance
5 and other parenting terms, and (2) that court orders related to kinship guardianship
6 and payment of guardian ad litem fees are not reviewable in this appeal. [CN 7, 9]
7 As a result, we deem these issues abandoned. *See Taylor v. Van Winkle’s IGA*
8 *Farmer’s Mkt.*, 1996-NMCA-111, ¶ 5, 122 N.M. 486, 927 P.2d 41 (explaining that
9 where a party has not responded to this Court’s proposed disposition of an issue, that
10 issue is deemed abandoned).

11 {7} We conclude that Respondent has not demonstrated error in our proposed
12 disposition. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955
13 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the
14 burden is on the party opposing the proposed disposition to clearly point out errors
15 in fact or law.”). Accordingly, we affirm for the reasons stated in our notice of
16 proposed disposition and in this memorandum opinion.

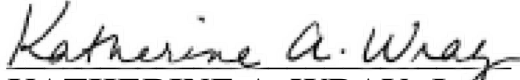
17 {8} **IT IS SO ORDERED.**

18 
19 **JACQUELINE R. MEDINA, Chief Judge**

1 **WE CONCUR:**

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3 **JANE B. YOHALEM, Judge**

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5 **KATHERINE A. WRAY, Judge**